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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/241,834	02/01/1999	VAUGHN S. IVERSON	42390.P4114	9209

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LEE, JOHN J

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2682

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/241,834	IVERSON, VAUGHN S.
	<b>Examiner</b>	<b>Art Unit</b>
	JOHN J LEE	2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 February 1999.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
    1. Certified copies of the priority documents have been received.  
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
  a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)                  4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                  5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                  6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1-8, 10, 12-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Hollenberg (US Patent number 6,091,956).

Regarding **claim 1**, Hollenberg discloses that an electronic appliance implemented method comprising:

ascertaining a current location/location type of the electronic appliance (Fig. 4, 6) (Fig. 4, 6, 8, 14, column 8, lines 25 – column 10, lines 41, and column 30, lines 40 – column 31, lines 10);

identifying an appliance personality (Fig. 6, 8, 13) from a plurality of available personalities (Fig. 6) based, at least in part, on the ascertained current location/location

type of the electronic appliance (Fig. 4, 6) (Fig. 4, 6, 8, 14, column 8, lines 25 – column 10, lines 41, and column 20, lines 4 – 50); and

provisioning the identified appliance personality on the electronic appliance (Fig. 4, 6, 12, 13, 14 and column 21, lines 55 – column 23, lines 63).

Regarding **claim 2**, Hollenberg discloses that the provisioning the appliance personality comprises (Fig. 4, 6, 12, 13, 14):

selecting and providing a user interface and an application set from a plurality of available user interfaces and application sets to reflect the identified appliance personality (Fig. 4, 6, 12, 13, 14, column 21, lines 55 – column 23, lines 63, and column 8, lines 25 – column 10, lines 41).

Regarding **claim 3**, Hollenberg discloses that the ascertaining the position of the electronic appliance comprises (Fig. 4, 6, 12, 13, 14):

receiving one or more signals containing information from a corresponding one or more sources (Fig. 4, 6, 12, 13, 14 and column 21, lines 55 – column 23, lines 63);

extracting information embedded within the received one or more signals (Fig. 4, 6, 13, 14, column 18, lines 21 – column 19, lines 60, and column 23, lines 12 – 63); and

determining the current location/location type of the electronic appliance from the information associated with the received one or more signals (Fig. 4, 6, 12, 13, 14, column 21, lines 55 – column 23, lines 63, and column 8, lines 25 – column 10, lines 41).

Regarding **claim 4**, Hollenberg discloses that the one or more sources are satellites designed to provide a global positioning system (GPS) signal (Fig. 1, 3, 5, 8 and column 12, lines 43 – column 13, lines 63).

Regarding **claim 5**, Hollenberg discloses that one or more sources are cellular communication transmitters designed to provide a plurality of control signals (Fig. 1, 3, 5) containing information (Fig. 12) regarding a location of the transmitters and a timestamp of when the received signal(s) were transmitted (column 23, lines 12 – 63, Fig. 13, 15, and column 25, lines 5 – column 26, lines 50).

Regarding **claim 6**, Hollenberg discloses that the current location/location type of the electronic appliance is calculated using a triangulation technique (column 3, lines 2 – 25).

Regarding **claim 7**, Hollenberg discloses that the current location/location type of the electronic appliance is determined by cross referencing a calculated relative position against a database of locations (column 4, lines 52 – column 6, lines 67).

Regarding **claim 8**, Hollenberg discloses that the plurality of appliance personalities are pre programmed in the appliance and reside in an interface database (Fig. 13-16 and column 23, lines 12 – column 24, lines 63).

Regarding **claim 10**, Hollenberg discloses all the limitation, as discussed in claims 1 and 2. Furthermore, Hollenberg further discloses that a receiver (Fig. 2, 4, 6), coupled to an antenna (Fig. 8), to receive signals (15k in Fig. 8) including information (Fig. 12, 14 and column 23, lines 64 – column 24, lines 63);

a processor, coupled to the receiver (Fig. 1), to determine a location of the electronic appliance from the received signals (Fig. 13, 14) (column 11, lines 43 – column 12 lines 63 and column 23, lines 64 – column 24, lines 63); and

a storage medium having stored therein a plurality of processor executable instructions for selectively implementing a plurality of appliance personalities for the electronic appliance (Fig. 13, 14, column 20, lines 61 – column 22, lines 55, and column 23, lines 64 – column 24, lines 63).

Regarding **claim 12**, Hollenberg discloses all the limitation, as discussed in claims 2 and 10.

Regarding **claim 13**, Hollenberg discloses all the limitation, as discussed in claims 1 and 4.

Regarding **claim 14**, Hollenberg discloses that the antenna is a radio frequency (RF) antenna (column 4, lines 52 – column 6, lines 67).

Regarding **claim 15**, Hollenberg discloses that the antenna is a photovoltaic cell operative to receive infrared (IR) signals (column 4, lines 52 – column 6, lines 67).

Regarding **claim 16**, Hollenberg discloses that the plurality of appliance personalities includes a personality unique to a home environment (column 7, lines 1 – column 8, lines 60).

Regarding **claim 17**, Hollenberg discloses that the plurality of appliance personalities includes a personality unique to an office operating environment (column 7, lines 1 – column 8, lines 60).

Regarding **claim 18**, Hollenberg discloses that the plurality of appliance personalities includes a personality tailored for a mobile operating environment (column 7, lines 1 – column 8, lines 60).

Regarding **claim 19**, Hollenberg discloses all the limitation, as discussed in claims 1 and 10. Furthermore, Hollenberg further discloses that when executed, implement an appliance personality provisioning system having a number of functions, including a location identification function which determines a current location of a host appliance (Fig. 13, 14 and column 23, lines 12 – column 24, lines 63).

Regarding **claim 20**, Hollenberg discloses all the limitation, as discussed in claims 1 and 19.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 9 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollenberg in view of Murata (US Patent number 6,181,952).

Regarding **claims 9 and 11**, Hollenberg does not specifically disclose the limitation “the plurality of appliance personalities are stored in one or more memory cards, which are removably coupled to the electronic appliance”. However, Murata discloses the limitation “the plurality of appliance personalities are stored in one or more memory cards, which are removably coupled to the electronic appliance” (column 2, lines 41 – column 4, lines 42). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the Hollenberg structure as taught by

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Murata. Doing so would enhance the storing capacity and reduce the processing time in mobile communication unit.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Asaoka et al. (US Patent number 6,349,203) discloses Moving Body Terminal Device, Information Providing Device, Information Providing System, Information Providing Method, and Medium Having Recorded Program for the Moving Body Terminal Device.

Kennedy, III et al. (US Patent number 6,009,330) discloses Call Delivery to a Mobile Unit.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is (703) 306-5936.

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He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached on **(703) 308-6739**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 305-4700**.

J.L  
October 31, 2002

John J Lee

*V. Chin*  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

(11/11/02)